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PCT LEGAL ADMINISTRATION

In re Application of NOACK :
U.S. Application No.: 10/568,338 :
PCT Application No.: PCT/EP2004/007945 :
Int. Filing Date: 16 July 2004 :
Priority Date Claimed: 13 August 2003 :
Attorney Docket No.: 2003P09398WOUS :
For: METHOD FOR BRAKING A ROTOR OF A :
TURBINE ENGINE AND A TURNING GEAR FOR :
DRIVING THE ROTOR OF A TURBINE ENGINE :

DECISION

This is in response to applicant's "Petition for Revival of an International Application for Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 06 August 2010.

BACKGROUND

On 16 July 2004, applicant filed international application PCT/EP2004/007945, which claimed priority of an earlier European Patent Office application filed 13 August 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 03 March 2005. The thirty-month period for paying the basic national fee in the United States expired on 13 February 2006.

On 13 February 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 19 June 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 22 August 2006, international application PCT/EP2004/007945 became abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements.

On 06 August 2010, applicant filed the present petition under 37 CFR 1.137(b).

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), applicant has provided the required statement.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 16 July 2004, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 06 August 2010.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

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